

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,)	
)	
v.)	Criminal Action No. 18-120
)	
TIMOTHY SOWINSKI,)	Judge Cathy Bissoon
)	
Defendant.)	

ORDER

Pursuant to 18 U.S.C. § 4241, the Court hereby appoints Dr. Robert Wettstein, M.D., to examine Defendant and prepare a psychiatric report in accordance with 18 U.S.C. § 4247(b) & (c). Dr. Wettstein shall examine Defendant at his current place of detention (which appears to be N.E.O.C.C.), whether in-person or through video-conferencing technology as appropriate due to the COVID-19 pandemic. Accordingly, the detention facility hereby is directed to grant Dr. Wettstein access to Defendant so that he may conduct the examination, whether in person or through video-conferencing technology. The examination shall take place at on a date and time directed by Dr. Wettstein, and it shall, pursuant to Section 4241(a), focus on whether there is reasonable cause to believe that Defendant presently may be suffering from a mental disease or defect rendering him unable to understand the nature and consequences of the proceedings against him or to properly assist in his defense.

In order to facilitate Dr. Wettstein's work, the Court further requests and directs that all present and former custodians of Defendant, and all present and former medical and mental health care providers, promptly provide any and all medical and mental health records of any kind or description in their possession, custody, or control relating to Defendant. All such

records shall be delivered to Dr. Wettstein and (if requested) to Defendant and his counsel. Dr. Wettstein is authorized and directed to execute any and all necessary authorizations and release forms as to Defendant's medical and mental health records without further action on the part of Defendant.

Given that it will take some time to gather the medical records, to conduct the examination and to prepare the report, the Court will provide 75 days, or until **November 30, 2020**, for Dr. Wettstein to prepare and transmit the report. The report shall be prepared in conformity with 18 U.S.C. § 4247(c),¹ and, upon its completion, Dr. Wettstein shall transmit the report to the Court, whose staff promptly will provide copies to Defendant, counsel for Defendant and counsel for the government.

The deadline above is expected to provide adequate time to complete the necessary steps. It is incumbent upon Defendant and his counsel to make all reasonable, good faith efforts to comply with the Court's directives and to appear for the examination as scheduled by Dr. Wettstein. Once the report has been submitted, the Court will enter an Order setting a hearing pursuant to Section 4247(d).

IT IS SO ORDERED.

September 16, 2020

s/Cathy Bissoon
Cathy Bissoon
United States District Judge

¹ Section 4247(c) requires the report to include: (1) the person's history and present symptoms; (2) a description of the psychiatric, psychological and medical tests that were employed and their results; (3) the examiner's findings; and (4) the examiner's opinions as to diagnosis, prognosis and whether Defendant is mentally incompetent, as defined under Section 4241(a).

cc (via ECF email notification):

All Counsel of Record